

REMARKS

Claims 1-12 were pending in the above-identified application when last examined and are amended as indicated above.

Claims 11 and 12 were rejected under 35 U.S.C. § 112, second paragraph. Applicants respectfully traverse the rejection.

In regard to claim 11, the Examiner indicated, "the term 'test signals' is vague and indefinite because it is unclear what kind of test signals are communicated between the single-use module and the reusable module." However, "test signal" is a phrase that has an ordinary meaning that would clearly be understood by those skilled in the art and therefore is neither indefinite nor vague in the context of claim 11. As the Examiner noted, claim 11 does not specify the kind of test signal, but the language claim 11 sets forth subject matter that Applicants regard as their invention. Specifying a specific type of test signal may narrow the scope of claim 11 to less than Applicants are entitled.

The Examiner also indicated, "Claim 12 recites 'a user interface capable of indicating a test result', which is vague because it is unclear how the interface provides an indication (visually, audibly, etc.) or what kind of test result is indicated." However, user interfaces capable of indicating a test result and exemplary types of test results are described in Applicants' specification, see paragraphs [0046] and [0049], for example, so that the phrase as used in claim 12 is neither vague nor indefinite. Applicants in claim 12 have not specified a particular test result or technique (e.g., visually, audibly, etc.) for indicating the test result because claim 12 without modification sets forth subject matter that Applicants regard as their invention.

For the above reasons, Applicants request reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, second paragraph.

Claims 1-4 and 9 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Pat. No. 6,750,963 (Sampas). Claim 1 is canceled. Applicants respectfully traverse the rejection of claims 2-4 and 9.

Claims 2 and 9 are amended so that claims 2-4 and 9 now depend directly or indirectly from claim 5. Accordingly, claims 2-4 and 9 are patentable for at least the same reasons set forth below to show claim 5 is patentable. Applicants therefore request reconsideration and withdrawal of the rejection under 35 U.S.C. § 102.

Claims 5-8 were rejected under 35 U.S.C. § 103(a) as unpatentable over Sampas in view of U.S. patent No. 5,442,169 (Kunz). Applicants respectfully traverse the rejection.

Agilent Technologies, Inc. owns Sampas as shown by the assignment executed

May 15, 2002 that is recorded at Reel/Frame No. 013192/0951 and also owns the present application as shown by assignment executed March 30, 2004 that is recorded at Reel/Frame No. 014891/0938. Further, Applicants invented the subject matter claimed in the present application during execution of their duties as employees of Agilent Technologies, Inc. and were obliged to assign the invention to Agilent Technologies, Inc. at the time the claimed invention was made. The subject matter of Sampas and the claimed invention in the present application were thus owned by the same person or subject to an obligation of assignment to the same person. Under 35 U.S.C. § 103(c)(1), Sampas, which was cited as prior art under 35 U.S.C. § 102(e), cannot be used to preclude patentability of claims 5-8 under 35 U.S.C. § 103(a).

For the above reasons, Applicants request reconsideration and withdrawal of this rejection under 35 U.S.C. § 103.

Claims 10-12 were rejected under 35 U.S.C. § 103(a) as unpatentable over Sampas in view of U.S. patent No. 5,837,546 (Allen). Applicants respectfully traverse the rejection. As noted above, 35 U.S.C. § 103(c)(1) prohibits use of Sampas under 35 U.S.C. § 103(a) to preclude patentability of the present application since the subject matter of Sampas and the claimed invention were, at the time that the claimed invention was made, owned or subject to an obligation of assignment to Agilent Technologies, Inc. Applicants accordingly request reconsideration and withdrawal of this rejection under 35 U.S.C. § 103.

Claims 21-29 are new. Claims 21-26 depend from claim 10 and are patentable for at least the same reasons that claim 10 is patentable. Claims 27-29 depend from claim 5 and are patentable for at least the same reasons that claim 5 is patentable.

In summary, claims 1-12 were pending in the application. This response cancels claim 1, amends claims 2, 5, 9, and 10, and adds claims 21-29. Applicants respectfully request allowance of the application including claims 2-12 and 21-29.

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Respectfully submitted,



David Millers
Reg. No. 37,396

THE PATENT LAW OFFICES
OF DAVID MILLERS
6560 ASHFIELD COURT
SAN JOSE, CA 95120
PH: (408) 927-6700
FX: (408) 927-6701